

JONATHAN D. BLUM, ESQ.  
Nevada Bar No. 09515  
**WILEY PETERSEN**  
1050 Indigo Drive, Suite 200B  
Las Vegas, Nevada 89145  
Telephone: (702) 910-3329  
Facsimile: (702) 553-3467  
Email: [jblum@wileypetersenlaw.com](mailto:jblum@wileypetersenlaw.com)

-and-

JAMES J. KERNELL, ESQ. (*Pro Hac Vice*)  
Kansas Bar No. 19559  
KYLE D. DONNELLY, ESQ. (*Pro Hac Vice*)  
Kansas Bar No. 25531  
**ERICKSON KERNELL IP, LLC**  
8900 State Line Road, Suite 500  
Leawood, Kansas 66206  
Telephone : (913) 549-4700  
Facsimile : (913) 549-4646  
Email : [jjk@kcpatentlaw.com](mailto:jjk@kcpatentlaw.com)  
          [kdd@kcpatentlaw.com](mailto:kdd@kcpatentlaw.com)

*Attorneys for Plaintiff Sunlighten, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## SUNLIGHTEN, INC.,

Plaintiff,

V.

FINNMARK DESIGNS, LLC

**Defendant.**

Case No.: 2:20-cv-00127-JAD- EJY

## **Order Granting Motion to Extend Deadline**

**(SECOND REQUEST)**

[ECF No. 62]

Pursuant to Fed. R. Civ. P. 6 and 26, and Local Rules IA6-1 and IA6-2, Plaintiff Sunlighten, Inc. seeks an extension of time to respond to Defendant Finnmark Designs, LLC's Motion for Partial Summary Judgment on Counts 1, 2 and 4 of the Complaint (ECF 48) (the "Motion") that was filed on April 30, 2021. Plaintiff was previously granted an extension of time to respond to

1 July 20, 2021. It is requested that the deadline to respond to the Motion be extended by another  
2 30 days, or up to and including August 19, 2021. In support of this motion, Plaintiff states as  
3 follows:

4       1. One section of Defendant's Motion argues that one of the patents-in-suit is invalid  
5 based on anticipation arising from an earlier sale of an existing infrared sauna called the SolarSpa.  
6 *See ECF 48 at 19-21.*

7       2. This section relies in part on documentary and deposition testimonial evidence  
8 provided by Defendant's president Garrett Gordon, who was deposed by Plaintiff in this case on  
9 July 8, 2021.

10      3. Defendant also identified a hard drive containing evidence related to the claims and  
11 defenses in this case, but has not timely produced the requested hard drive.

12      4. As of the filing of this motion, Plaintiff has not received a complete copy of the  
13 hard drive, but one is expected this week.

14      5. Plaintiff requests additional time to respond to the Motion so that it has time to  
15 receive Finnmark's 30(b)(6) deposition transcript and the requested hard drive from Defendant.

16      6. Plaintiff believes this discovery is necessary to properly respond to the documents  
17 presented in the Motion.

18      8. Pursuant to the Stipulation and Order to Extend Discovery Deadlines entered by  
19 the Court on January 11, 2021 (ECF 35), the deadline to file dispositive motions is presently  
20 August 16, 2021, which will not be impacted by this motion.

21      9. This is the second request for an extension of time to respond to Defendant's  
22 Motion.

1       10. For the above stated reasons, the request is made in good faith and not for the  
2 purpose of delay.

3                  For the above reasons, Plaintiff requests that this motion for an extension of time to  
4 respond to Defendant's Motion be granted giving Plaintiff up to and including August 19, 2021.  
5

6 Respectfully submitted,

7                  **ERICKSON KERNELL IP, LLC**

8                  By: /s/ James J. Kornell

9                  James J. Kornell, Esq. (*Pro Hac Vice*)  
10                 Kansas Bar No. 19559  
11                 Kyle D. Donnelly, Esq. (*Pro Hac Vice*)  
12                 Kansas Bar No. 25531  
13                 8900 State Line Road, Suite 500  
14                 Leawood, Kansas 66206  
15                 Telephone: 913-549-4700  
16                 Facsimile: 913-549-4646  
17                 Email:      jjk@kcpatentlaw.com  
18                            kdd@kcpatentlaw.com

19                  Jonathan D. Blum  
20                 Nevada Bar No. 09515  
21                  **WILEY PETERSEN**  
22                 1050 Indigo Drive, Suite 200B  
23                 Las Vegas, Nevada 89145  
24                 Telephone: (702) 910-3329  
25                 Facsimile: (702) 553-3467  
26                 Email: jblum@wileypetersenlaw.com

27                  *Attorneys for Plaintiff*

28                  *Sunlighten, Inc.*

Order

29                  Citing the need to obtain discovery materials, plaintiff Sunlighten, Inc. moves to  
30 extend the deadline for it to respond to Finnmark Designs, LLC's summary-judgment  
31 motion to August 19, 2021. Finnmark files a limited opposition, arguing that plaintiff  
32 should require only a 15-day extension but, in any event, Finnmark's reply deadline should  
33 be extended 30 days consistent with the parties' initial stipulated extension of these  
34 deadlines. Good cause appearing, Sunlighten's motion for an extension [**ECF No. 62**] is  
35 **GRANTED**: Sunlighten's response to Finnmark's summary-judgment motion is due on  
36 **August 19, 2021**, and any reply is due on **September 18, 2021**.

37                  \_\_\_\_\_  
38                  U.S. District Judge Jennifer A. Dorsey  
39                  Dated: July 22, 2021